

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4348 OF 2005

Ms. Smita Madhukar Joshi... .. Petitioner.
Versus
The State of Maharashtra & Ors.. ... Respondents.

Mr. V. S. Deokar for the Petitioner.

Mr. C. R. Sonawane, AGP for Respondent Nos.1 and 2.

Mr.M. V. Limaye for Respondent Nos.3 and 4.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 25TH JULY, 2006.

P.C. :

Heard Mr. Deokar, Counsel for the petitioner.

2. The Dy. Director of Education considered the matter concerning the approval of the petitioner as a full time teacher for the academic year 1998-1999 pursuant to the order passed by this Court in Writ Petition No. 1534 of 2005. The petitioner made written representation before the Dy. Director of Education. She was also heard. The management was also heard by the Dy. Director of Education. In the light of the available material and after hearing the petitioner and the management, the Dy. Director of Education recorded, as a matter of fact, held that petitioner was appointed on a vacant post in the academic year 1998-99 where permanent teacher Shri

Khatik was posted and that there was no vacant post for the petitioner in the academic year 1998-99. The Dy. Director of Education also recorded the fact that the approval was given to the petitioner for the year 1999-2000 for non aided classes for 12 clock hours (part time) and that she was appointed on full time basis for non aided classes for academic year 2000-2001 by the Society.

3. Counsel for the petitioner sought to urge that there was vacant post in the academic year 1998-1999 and that Dy. Director of Education erred in holding that petitioner was appointed against non-vacant post. We find no merit in the contention of the Counsel for the petitioner. Shri Khatik was posted as permanent teacher and obviously against that post two teachers could not have been appointed. The petitioner's appointment, therefore, cannot be held to be against the vacant post. We also find no merit in the contention of the Counsel for the petitioner that for academic year 1999-2000 the petitioner was appointed as full time teacher and approval was also granted by the Dy. Director of Education to that effect. The Dy. Director of Education, Pune, as noticed above, has recorded specific finding that approval for appointment of the petitioner for academic year 1999-2000 was for 12 clock hours (part time) for non aided classes. There is no justifiable reason to disbelieve this statement recorded in the

order of Dy. Director of Education.

4. The writ petition does not have any merit.
Dismissed in limine.

5. Needless to say that the Management shall abide by the approval granted by the Dy. Director of Education concerning the appointment of the petitioner.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)